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Attorneys for Defendants
AMAZON.COM INC., AMAZON.COM SERVICES
LLC, AND AMAZON WEB SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELE OBRIEN, as an individual and on
behalf of others similarly situated,

Plaintiff,

vs.

AMAZON.COM INC., a Delaware
corporation; AMAZON.COM SERVICES
LLC, a Delaware limited liability corporation;
AMAZON WEB SERVICES, INC., a
Delaware corporation, and DOES 1 through
100, inclusive,

Defendants.

Case No. 3:22-cv-348

**DECLARATION OF BRIAN D. BERRY
IN SUPPORT OF DEFENDANTS'
NOTICE OF REMOVAL**

State Case No.: 21CV004153

State Complaint Filed: Dec. 15, 2021

State Action Served: Dec. 17, 2021

DECLARATION OF BRIAN D. BERRY

I, Brian D. Berry, declare as follows:

1. I am a partner with the law firm of Morgan, Lewis, & Bockius LLP, counsel for Defendants Amazon.com, Inc., Amazon.com Services, LLC, and Amazon Web Services, Inc. (collectively, “Amazon” or “Defendants”). I make this declaration in support of Defendants’ Notice of Removal. I have personal knowledge of the facts set forth in this Declaration or know of such facts from my review of the case documents and the court docket in this matter and other information that is publicly available or provided to me by Amazon. If called and sworn as a witness, I could and would competently testify thereto. As counsel for Defendants, Morgan, Lewis & Bockius LLP maintains in the ordinary course of its business all pleadings served on or by Defendants in the above-captioned action.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in this action, filed on December 15, 2021 in the Superior Court for the County of Alameda (Case No. 21CV004153), and served personally on Defendants via CSC on December 17, 2021.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Summons, filed on December 15, 2021.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Civil Case Cover Sheet, filed on December 15, 2021.

5. Attached hereto as **Exhibit D** is a true and correct copy of the Notice of Case Management Conference, filed on December 15, 2021.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Proof of Service and Summons on Defendant Amazon.com, Inc., filed on January 10, 2022.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Proof of Service and Summons on Defendant Amazon.com Services LLC, filed on January 10, 2022

8. Attached hereto as **Exhibit G** is a true and correct copy of the Proof of Service and Summons on Defendant Amazon Web Services, Inc., filed on January 10, 2022

Executed this 18th day of January, 2022, in San Francisco, California.

Brian D. Berry

EXHIBIT A

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

12/15/2021 at 10:01:03 AM

By: Cheryl Clark, Deputy Clerk

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Attorneys for Plaintiff Michele Obrien

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

MICHELE OBRIEN, as an individual and on
behalf of others similarly situated,

Plaintiff,

v.

AMAZON.COM INC., a Delaware corporation;
AMAZON.COM SERVICES LLC, a Delaware
limited liability corporation; AMAZON WEB
SERVICES, INC., a Delaware corporation, and
DOES 1 through 100, inclusive,

Defendants.

CASE NO. 21CV004153

**CLASS ACTION COMPLAINT FOR
DAMAGES FOR:**

- (1) AGE DISCRIMINATION IN VIOLATION
OF FEHA (Cal. Gov't Code § 12940, *et*
seq.);**
- (2) FAILURE TO PREVENT OR CORRECT
DISCRIMINATION UNDER FEHA (Cal.
Gov't Code § 12940(k)); AND**
- (3) UNFAIR BUSINESS PRACTICES
(Violation of Cal. Bus. & Prof. Code §
17200, *et seq.*)**

DEMAND FOR JURY TRIAL

Plaintiff Michele Obrien (“Plaintiff” or “Ms. Obrien”) hereby submits this Complaint against Amazon.com Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and DOES 1-100 (hereinafter collectively referred to as “Defendants” or “Amazon”) on behalf of herself and the class of persons aged 40 and older employed at any Amazon warehouse or fulfillment center in California at any time during the period of four years prior to the filing of this Complaint to the present who have been or may be subjected to Amazon’s “rate of production” and/or work production quota policies or practices.

INTRODUCTION

1. The California Fair Employment and Housing Act (“FEHA”) prohibits an employer from discharging a person from employment or from discriminating against a person “in compensation, or in terms, conditions, or privileges of employment” on the basis of the person’s age. Cal. Gov’t Code § 12940(a).

2. Plaintiff Michele Obrien brings this action on behalf of herself and a class of current and former employees aged 40 and over who worked at any Amazon warehouse or fulfillment center in California who have been or continue to be subjected to Amazon’s “rate of production” and/or work production quota policies or practices for such workers to meet, from December 15, 2017 to the present.

3. Plaintiff seeks monetary and injunctive relief, and an award of attorneys’ fees and costs and behalf of herself and the Class.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action because Plaintiff’s claims arise under state law, including FEHA.

5. This Court has jurisdiction over this Class Action pursuant to Code of Civil Procedure § 382 and is consistent with Fed. R. Civ. P. 23(a), (b)(1), (b)(2), and (b)(3). The amount in controversy for Plaintiff is less than \$30,000, inclusive of compensatory damages, penalties, interest, and a pro-rata share of attorneys’ fees.

6. Venue is proper because Defendants, and each of them, have conducted business activity in the County of Alameda, including employing class members in this district and, and many of the incidents giving rise to Plaintiff's claims took place in this county.

PARTIES

7. Plaintiff Michele Obrien is an adult woman who resides in Highland, California.

8. Plaintiff is informed and believes and based thereon alleges that Defendant Amazon.com Inc. was and is a Delaware corporation with its headquarters located at Seattle, Washington that is registered with the California Secretary of State and does business in the State of California, including in the County of Alameda, and employed Plaintiff and other similarly situated employees throughout the State of California as further defined herein.

9. Plaintiff is informed and believes and based thereon alleges that Defendant Amazon.com Services LLC was and is a Delaware corporation with its headquarters located at Seattle, Washington that is registered with the California Secretary of State and does business in the State of California, including in the County of Alameda, and employed Plaintiff and other similarly situated employees throughout the State of California as further defined herein.

10. Plaintiff is informed and believes and based thereon alleges that Defendant Amazon Web Services, Inc. was and is a Delaware corporation with its headquarters located at Seattle, Washington that is registered with the California Secretary of State and does business in the State of California, including in the County of Alameda, and employed Plaintiff and other similarly situated employees throughout the State of California as further defined herein.

11. Each Defendant has more than five employees and is therefore an employer within the meaning of FEHA.

12. Plaintiff is informed and believes and based thereon alleges that at all times herein mentioned Defendants and DOES 1 through 100, are and were corporations, business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California.

13. Plaintiff does not know the true names or capacities, whether individual, partner

1 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason,
2 said Defendants are sued under such fictitious names, and Plaintiff prays leave to amend this
3 complaint when the true names and capacities are known. Plaintiff is informed and believes and based
4 thereon alleges that each of said fictitious Defendants was responsible in some way for the matters
5 alleged herein and proximately caused Plaintiff and members of the general public and class to be
6 subject to the illegal employment practices, wrongs and injuries complained of herein.

7 14. At all times herein mentioned, each of said Defendants participated in the doing of the
8 acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants,
9 and each of them, were the agents, servants and employees of each of the other Defendants, as well as
10 the agents of all Defendants, and were acting within the course and scope of said agency and
11 employment.

12 15. Plaintiff is informed and believes and based thereon alleges that at all times
13 herein mentioned, each of the named Defendants was the joint employer, agent, employer, alter ego
14 and/or joint venturer of, or working in concert with each of the other Co-Defendants and was acting
15 within the course and scope of such agency, employment, joint venture, or concerted activity. To the
16 extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the remaining
17 Defendants confirmed and ratified said acts, conduct, and omissions of the acting Defendants.

18 16. At all times herein mentioned, Defendants, and each of them, were members of,
19 and engaged in, a joint venture, partnership and common enterprise, and were acting within the course
20 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

21 17. At all times herein mentioned, the acts and omissions of various Defendants, and each
22 of them, concurred and contributed to the various acts and omissions of each and all of the other
23 Defendants in proximately causing the injuries and damages as herein alleged. At all times herein
24 mentioned, Defendants, and each of them, ratified each and every act or omission complained of
25 herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts
26 and omissions of each and all of the other Defendants in proximately causing the damages as herein
27 alleged.

28 ///

EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. On behalf of herself and similarly situated employees, Plaintiff Michele Obrien filed a complaint with the Department of Fair Employment and Housing (“DFEH”) and received a Notice of Right to Sue from the DFEH on October 4, 2021. The DFEH complaint and Notice of Right to Sue were personally served on Defendants on October 21, 2021.

FACTUAL BACKGROUND

19. Ms. Obrien worked at an Amazon warehouse facility in Sycamore Canyon, CA in October 2018. At the time of this employment, she was 48 years old.

20. In addition to terminating older employees in disproportionate numbers, Amazon applies employment policies and practices which discriminate against employees aged 40 and above.

21. Amazon applied a “rate of production” and/or work production quotas to Ms. Obrien and to other similarly situated employees aged 40 and over that she and other similarly situated employees had to meet. Amazon did not adjust or alter this “rate of production” and/or work production quota to account for Ms. Obrien’s or other employees’ age and the “rate of production” and/or work production quota was applied to employees below the age of 40 at the same rate.

22. Ms. Obrien and other employees aged 40 and over could not keep up with the required “rate of production” and/or work production quota due to their age.

23. The “rate of production” and/or work production quota required that Ms. Obrien, among other things, meet quantified work and production targets and quotas relating to packing, stowing, and sorting of packages and filling and emptying of boxes and bins and containers.

24. As a result of Amazon’s “rate of production” and/or work production quota policies or practices, Ms. Obrien and similarly situated employees aged 40 and over suffered from work related physical injuries in an effort to keep up with the required rate of production and/or quotas and, ultimately, she was not able to meet Amazon’s imposed “rate of production” and/or work production quotas.

25. Ms. Obrien and similarly situated employees were criticized and reprimanded by supervisors for being unable to keep up with the imposed “rate of production” and/or quotas, causing them significant stress arising from a difficult work environment.

26. Due to the continuing adverse impact of the application of Amazon's "rate of production" and/or quotas applied to Ms. Obrien, and her not able to meet these quantified standards, she was terminated in October 2018.

27. Ms. Obrien suffered lost income as a result of being terminated, suffered emotional distress, and suffered physical injuries due to having the "rate of production" and/or quotas imposed upon her to meet and due to being terminated for not meeting them.

28. Ms. Obrien was later re-hired by Amazon in 2019 and she worked as an hourly, non-exempt warehouse employee in Amazon's Moreno Valley, CA fulfillment center. At the time of this employment, she was 49 years old.

29. Again, Amazon applied a "rate of production" and/or work production quota to Ms. Obrien and to other similarly situated employees aged 40 and over. Amazon did not adjust or alter this "rate of production" and/or work production quota to account for Ms. Obrien's or other employees' age and the "rate of production" and/or work production quota was applied to employees below the age of 40 at the same rate.

30. Again, Ms. Obrien and other employees aged 40 and over could not keep up with the required "rate of production" and/or work production quota due to their age.

31. Again, Ms. Obrien and similarly situated employees were criticized and reprimanded by supervisors for being unable to keep up with the imposed "rate of production" and/or quotas, causing them significant stress arising from a difficult work environment.

32. Due to the continuing adverse impact of the application of Amazon's "rate of production" and/or work production quota to Ms. Obrien, she was again terminated in October 2019. Her last date of work was approximately October 7, 2019.

33. Ms. Obrien suffered lost income as a result of being terminated, suffered emotional distress and suffered physical injuries due to having the "rate of production" and/or quotas imposed upon her to meet and due to being terminated for not meeting them.

CLASS ACTION ALLEGATIONS

34. Class Definition: The named individual Plaintiff brings this action on behalf of herself and the class pursuant to California Code of Civil Procedure § 382 and is consistent with Fed.

1 R. Civ. P. 23(a), (b)(1), (b)(2), and (b)(3). The class consists of all current and former employees of
2 Amazon, aged 40 or older, who worked at Amazon warehouses or fulfillment centers in California and
3 who have been or continue to be subjected to, or had to meet, any policy or practice of Amazon
4 regarding “rate of production” for their work and/or work production quotas, during the period from
5 December 15, 2017 to the present (collectively, the “Class”).

6 35. Ms. Obrien is a member of the Class she seeks to represent.

7 36. Numerosity: The members of the class exceed 1,000 persons and are so numerous that
8 joinder of all members would be impractical, if not impossible. The identity of the members of the
9 class is readily ascertainable by review of Defendants’ records, including payroll records. Plaintiff is
10 informed and believes and based thereon alleges that class members were discriminated against on the
11 basis of their age in violation of FEHA.

12 37. Adequacy of Representation: The named Plaintiff is fully prepared to take all
13 necessary steps to represent fairly and adequately the interests of the Class defined above. Plaintiff’s
14 attorneys are ready, willing and able to fully and adequately represent the Class and individual
15 Plaintiff. Plaintiff’s attorneys have prosecuted and settled class actions in the past and currently have
16 a number of class actions pending in California courts.

17 38. Common Question of Law and Fact: There are predominant common questions of law
18 and fact and a community of interest amongst Plaintiff and the claims of the class concerning
19 Defendant. Common questions include, among others, whether Amazon’s policy and practice of
20 applying a standard, required “rate of production” and/or work production quota to all employees that
21 disproportionately affects employees over the age of 40 violates California laws, and whether equitable
22 remedies, injunctive relief, and compensatory damages for the Class are warranted.

23 39. Typicality: The claims of Plaintiff are typical of the claims of all members of the
24 Class. Plaintiff and Class Members have been subjected to Amazon’s common “rate of production”
25 and/or work production quota policies and practices.

26 40. The nature of this action and the format of laws available to Plaintiff and members of
27 the Class identified herein make the Class action format a particularly efficient and appropriate
28 procedure to redress the wrongs alleged herein. If each employee were required to file an individual

lawsuit, the corporate Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and legal resources. Requiring each class member to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former and/or current employer for real and justifiable fear of retaliation and permanent damage to their careers at subsequent employment.

41. The prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect to individual class members against the Defendants and which would establish potentially incompatible standards of conduct for the Defendants; and/or (b) adjudications with respect to individual class members which would, as a practical matter, be dispositive of the interest of the other class members not parties to the adjudications or which would substantially impair or impede the ability of the class members to protect their interests. Further, the claims of the individual members of the Class are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses.

42. Proof of a common business practice or factual pattern, which the named Plaintiff experienced and is representative of, will establish the right of each of the members of the Plaintiff Class to recovery on the causes of action alleged herein.

FIRST CAUSE OF ACTION

Age Discrimination in Violation of FEHA

Cal. Gov't Code § 12940, *et seq.*

(On Behalf of Plaintiff and the Class Against All Defendants)

43. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged above as if fully set forth herein.

44. FEHA prohibits an employer from discharging a person from employment or from discriminating against a person “in compensation, or in terms, conditions, or privileges of employment” on the basis of the person’s age. Cal. Gov’t Code § 12940(a). As used in FEHA, age

1 means “the chronological age of any individual who has reached his 40th birthday.” Cal. Gov’t Code §
2 12926(b).

3 45. Defendants have discriminated against Plaintiff and the Class of similarly situated
4 employees aged 40 and over in violation of FEHA by subjecting them to different and adverse
5 treatment on the basis of age. Plaintiff and the Class of similarly situated employees aged 40 and over
6 have suffered both disparate impact and disparate treatment as a result of Defendants’ conduct.

7 46. **Disparate Treatment.** Defendants’ uniform application of its “rate of production”
8 and/or work production quota policy resulted in disparate treatment of Plaintiff and the Class of
9 similarly situated employees aged 40 and amounted to a pattern and practice of intentional
10 discrimination in violation of FEHA by Defendants—because Defendants knew that older employees
11 could not meet the “rate of production” and/or quota the way younger employees could but instead
12 would and did suffer injuries trying to meet these targets and quit or were terminated because they
13 failed to meet the “rate of production” and/or quota.

14 47. **Disparate Impact.** Defendants’ uniform application of its “rate of production” and/or
15 work production quota policy has a disparate impact on Plaintiff and the Class of similarly situated
16 employees aged 40 and over and on the terms, conditions, and privileges of their employment. Such
17 employees aged 40 and over could not meet the “rate of production” and/or quota versus younger
18 employees, suffered job injuries at a higher rate than younger employees, suffered adverse scheduling
19 versus younger employees, suffered transfers or demotions versus younger employees, suffered
20 criticism and reprimands versus younger employees, and ultimately quit or were terminated at a higher
21 rate than younger employees, and including quitting or being terminated for not being able to meet the
22 “rate of production” and/or quota. Defendants’ system is not justified by business necessity or, if it
23 could be justified, less discriminatory alternatives exist.

24 48. At all relevant times, Defendants had actual and constructive knowledge of the
25 discriminatory conduct described herein.

26 49. Plaintiff is informed and believes and thereon alleges that Defendants engaged in other
27 discriminatory practices against Plaintiff and the Class of similarly situated employees aged 40 and
28

over which are not yet fully known. Plaintiff will seek leave of this Court to amend this complaint in those regards at such time as these additional discriminatory practices become known.

50. As a direct and proximate result of Defendants' unlawful actions, Plaintiff and the Class have suffered lost back wages, lost front wages, lost employment benefits, other compensation and benefits, and other economic damages in amounts to be proven at trial.

51. As a direct and proximate result of Defendants' unlawful actions, Plaintiff and the Class have suffered injury, including but not limited to emotional distress, entitling them to compensatory damages in an amount to be proven at trial.

52. Plaintiff and the Class are entitled to reasonable attorneys' fees and costs pursuant to California Government Code § 12965(b).

SECOND CAUSE OF ACTION

Failure to Prevent or Correct Discrimination Under FEHA

Cal. Gov't Code § 12940(k)

(On Behalf of Plaintiff and the Class Against All Defendants)

53. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged above as if fully set forth herein.

54. California Government Code § 12940(k) holds it is an unlawful employment practice for an employer "to fail to take all reasonable steps necessary to prevent discrimination . . . from occurring."

55. By the actions and omissions of Defendants described hereinabove, Defendants failed their affirmative duty to take all reasonable steps necessary to prevent discrimination on the basis of employees' age from occurring in violation of California Government Code § 12940(k).

56. As a direct and proximate result of Defendants' unlawful actions, Plaintiff and the Class have suffered lost back wages, lost front wages, lost employment benefits, other compensation and benefits, and other economic damages in amounts to be proven at trial.

57. As a direct and proximate result of Defendants' unlawful actions, Plaintiff and the Class have suffered injury, including but not limited to emotional distress, entitling them to compensatory damages in an amount to be proven at trial.

58. Plaintiff and the Class are entitled to reasonable attorneys' fees and costs pursuant to California Government Code § 12965(b).

THIRD CAUSE OF ACTION

Violation of California's Unfair Competition Law

Cal. Bus. & Prof. Code §§ 17200, *et seq.*

(On Behalf of Plaintiff and the Class Against All Defendants)

59. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged above as if fully set forth herein.

60. California's Unfair Competition Law ("UCL") prohibits "any unlawful, unfair or fraudulent business act or practice. Cal. Bus. & Prof. Code § 17200.

61. Amazon engaged in unlawful and unfair business practices as described hereinabove, including but not limited to applying its required "rate of production" and/or work production quota to Plaintiff and Class Members, subjecting Plaintiff and Class Members to adverse employment decisions for being unable to meet the "rate of production" and/or quotas, and failing to prevent discrimination to Plaintiff and Class Members.

62. Plaintiff and Class Members have suffered injury in fact and have lost money or property as a result of Amazon's acts and omissions.

63. Amazon's acts and omissions constitute unfair competition and provide Amazon with an unfair advantage over its competitors. As a direct and proximate result of Amazon's unlawful conduct alleged herein, Amazon unfairly obtained profits. Therefore, Plaintiff and Class Members are entitled to disgorgement by Amazon of those profits.

64. Plaintiff, on behalf of herself and the Class, seeks restitution to restore any and all monies withheld, acquired, and/or converted by Defendants by means of the unfair business practices complained of herein.

65. Plaintiff, on behalf of herself and the Class, seeks injunctive relief to prevent ongoing and future unlawful and unfair business practices by Defendants, and seeks an award of attorneys' fees and costs pursuant to Code of Civil Procedure § 1021.5.

///


PRAYER FOR RELIEF

WHEREFORE, Plaintiff on her own behalf and on the behalf of the members of the Class, prays for judgment against Defendants as follows:

1. For an order certifying the proposed Class;
2. For an order appointing Plaintiff Michele Obrien as the representative of the Class;
3. For an order appointing Counsel for Plaintiff as Class Counsel;
4. For injunctive relief against Defendants as deemed appropriate by the Court;
5. For front wages, back wages, salary, employment benefits, and other compensation denied to or lost by Plaintiff and Class Members in an amount to be proven at trial;
6. For any other economic losses incurred by Plaintiff and Class Members in an amount to be proven at trial;
7. For compensatory damages to Plaintiff and Class Members for pain and suffering in an amount to be proven at trial;
8. For restitution to Plaintiff and Class Members who were deprived of wages, compensation, employment benefits, or other equitable monetary relief as a result Defendants' unlawful practices as permitted by law;
9. For and award of reasonable attorneys' fees and costs as provided by California Government Code § 12965(b) and Code of Civil Procedure § 1021.5;
10. For all pre- and post-judgment interest as permitted by law; and
11. For such other and further relief the court may deem just and proper.

DATED: December 15, 2021

**LAW OFFICE OF ERIC HONIG and
LAW OFFICES OF PETER M. HART**

By: 
Eric S. Honig
Peter M. Hart
Attorneys for Plaintiff Michele Obrien

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for herself and the Class on all claims so triable.

DATED: December 15, 2021

**LAW OFFICE OF ERIC HONIG and
LAW OFFICES OF PETER M. HART**

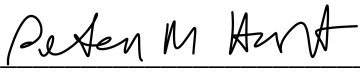
By: 
Eric S. Honig
Peter M. Hart
Attorneys for Plaintiff Michele Obrien

EXHIBIT B

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

AMAZON.COM INC., a Delaware corporation; Additional Parties Attachment form is attached

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

MICHELE OBRIEN, as an individual and on behalf of others similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED

Superior Court of California
County of Alameda

12/15/2021

Chad Finke, Executive Officer / Clerk of the Court

By: Cheryl Clark Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **Alameda County Superior Court**
1225 Fallon Street
Oakland, CA 94612

CASE NUMBER: (Número del Caso):

21CV004153

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Eric S. Honig, P.O. Box 10327, Marina Del Rey, CA 90295, (310) 699-8051

Chad Finke, Executive Officer / Clerk of the Court
Clerk, by Cheryl Clark, Deputy
(Secretario) (Adjunto)

DATE: 12/15/2021
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

SUM-200(A)

SHORT TITLE: Obrien v. Amazon.com Inc., et al.	CASE NUMBER:
---	--------------

INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

AMAZON.COM SERVICES LLC, a Delaware limited liability corporation; AMAZON WEB SERVICES, INC., a Delaware corporation; and DOES 1 through 100, inclusive,

Page ____ of ____

Page 1 of 1

EXHIBIT C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Peter M. Hart (State Bar No. 198691) Law Offices of Peter M. Hart 12121 Wilshire Blvd., Suite 525 Los Angeles, CA 90025 TELEPHONE NO.: (310) 478-5789 FAX NO.: (509) 561-6441 ATTORNEY FOR (Name): Michele Obrien		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 12/15/2021 at 10:01:03 AM By: Cheryl Clark, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse		
CASE NAME: Michele Obrien, et al. v. Amazon.com Inc., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 21CV004153 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input checked="" type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Three (3)**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **December 15, 2021**
Peter M. Hart

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title:

Obrien v. Amazon.com Inc., et al.

Case Number:

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

		<input type="checkbox"/> Hayward Hall of Justice (447)
<input checked="" type="checkbox"/> Oakland, Rene C. Davidson Alameda County Courthouse (446)		<input type="checkbox"/> Pleasanton, Gale-Schenone Hall of Justice (448)
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI /PD / WD Tort	Asbestos (04)	<input type="checkbox"/> 75 Asbestos (D)
	Product liability (24)	<input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G)
	Medical malpractice (45)	<input type="checkbox"/> 97 Medical malpractice (G)
	Other PI/PD/WD tort (23)	<input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07)	<input type="checkbox"/> 79 Bus tort / unfair bus. practice (G)
	Civil rights (08)	<input type="checkbox"/> 80 Civil rights (G)
	Defamation (13)	<input type="checkbox"/> 84 Defamation (G)
	Fraud (16)	<input type="checkbox"/> 24 Fraud (G)
	Intellectual property (19)	<input type="checkbox"/> 87 Intellectual property (G)
	Professional negligence (25)	<input type="checkbox"/> 59 Professional negligence - non-medical (G)
	Other non-PI/PD/WD tort (35)	<input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)
	Employment	Wrongful termination (36)
	Other employment (15)	<input checked="" type="checkbox"/> 85 Other employment (G) <input type="checkbox"/> 53 Labor comm award confirmation <input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmnty (06)	<input type="checkbox"/> 04 Breach contract / Wmnty (G)
	Collections (09)	<input type="checkbox"/> 81 Collections (G)
	Insurance coverage (18)	<input type="checkbox"/> 86 Ins. coverage - non-complex (G)
	Other contract (37)	<input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G)
	Wrongful eviction (33)	<input type="checkbox"/> 17 Wrongful eviction (G)
	Other real property (26)	<input type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31)	<input type="checkbox"/> 94 Unlawful Detainer - commercial
	Residential (32)	<input type="checkbox"/> 47 Unlawful Detainer - residential
	Drugs (38)	<input type="checkbox"/> 21 Unlawful detainer - drugs
		Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial Review	Asset forfeiture (05)	<input type="checkbox"/> 41 Asset forfeiture
	Petition re: arbitration award (11)	<input type="checkbox"/> 62 Pet. re: arbitration award
	Writ of Mandate (02)	<input type="checkbox"/> 49 Writ of mandate
	Other judicial review (39)	<input type="checkbox"/> 64 Other judicial review
		Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No
Provisionally Complex	Antitrust / Trade regulation (03)	<input type="checkbox"/> 77 Antitrust / Trade regulation
	Construction defect (10)	<input type="checkbox"/> 82 Construction defect
	Claims involving mass tort (40)	<input type="checkbox"/> 78 Claims involving mass tort
	Securities litigation (28)	<input type="checkbox"/> 91 Securities litigation
	Toxic tort / Environmental (30)	<input type="checkbox"/> 93 Toxic tort / Environmental
	Ins covrg from cmplx case type (41)	<input type="checkbox"/> 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment
		<input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27)	<input type="checkbox"/> 90 RICO (G)
	Partnership / Corp. governance (21)	<input type="checkbox"/> 88 Partnership / Corp. governance (G)
	Other complaint (42)	<input type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name
		<input type="checkbox"/> 69 Other petition

EXHIBIT D

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 12/15/2021 Clad File, Executive Officer/Clerk of the Court By: <u><i>Cheryl Clark</i></u> Deputy C. Clark
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		
PLAINTIFF: MICHELE OBRIEN, as an individual and on behalf of others similar		
DEFENDANT: AMAZON.COM INC., a Delaware corporation et al		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: 21CV004153

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 04/14/2022	Time: 8:30 AM	Dept.: 21
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

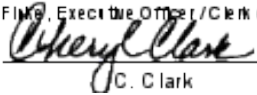
Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center">FILED Superior Court of California County of Alameda 12/15/2021</p>
<p>PLAINTIFF/PETITIONER: MICHELE OBRIEN, as an individual and on behalf of others similarly situated</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By:  Deputy C. Clark</p>
<p>DEFENDANT/RESPONDENT: AMAZON.COM INC., a Delaware corporation et al</p>	
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 21CV004153</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Chad Finke, Executive Officer / Clerk of the Court

Dated: 12/15/2021

By:

Chad Finke, Executive Officer / Clerk of the Court



C. Clark, Deputy Clerk

CERTIFICATE OF MAILING

EXHIBIT E

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Ashlie Fox SBN: 294407 PETER M. HART 12121 Wilshire Blvd., Suite 525 Los Angeles, CA 90025 TELEPHONE NO.: (310) 207-2277 FAX NO.: (509) 561-0109 E-MAIL ADDRESS (Optional): pchoi.loph@gmail.com ATTORNEY FOR (Name): Plaintiff: Michele Obrien	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/10/2022 at 10:21:34 AM By: Anthony Zapotoczny, Deputy Clerk
ALAMEDA SUPERIOR COURT STREET ADDRESS: 1225 FALLON STREET MAILING ADDRESS: CITY AND ZIP CODE: OAKLAND, CA 94612 BRANCH NAME: NORTHERN DIVISION	
PLAINTIFF: Michele Obrien, as an individual and on behalf of others similarly situated DEFENDANT: Amazon.com Inc.	CASE NUMBER: 21CV004153
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: Obrien

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ Summons
 - b. ☒ Complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ Cross-complaint
 - f. ☒ other (specify documents): **Civil Case Cover Sheet Addendum; Notice of Case Management Conference; Notice of Confirmation of Electronic Filing**
3. a. Party served (specify name of party as shown on documents served):
Amazon.com Inc. a Delaware corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Corporation Service Company - Lai Saevang - Agent for Service of Process
4. Address where the party was served: **Coporation Service Company
2710 Gateway Oaks Dr Ste 150N
Sacramento, CA 95833-3502**
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/17/2021** (2) at (time): **3:10 PM**
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Michele Cohen, as an individual and on behalf of others similarly situated

RESPONDENT: Amazon.com Inc.

21CV004153

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **Amazon.com Inc. a Delaware corporation**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **T. ANDY HARRIS - PacTrack, Inc.**
- b. Address: **4373 Santa Anita Avenue El Monte, CA 91731**
- c. Telephone number: **(213) 201-5856**
- d. **The fee** for service was: **\$ 155.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **81-002**
- (iii) County: **Sacramento**

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: **12/18/2021**

PacTrack, Inc.
4373 Santa Anita Avenue
El Monte, CA 91731
(213) 201-5856
www.pactrack.com

T. ANDY HARRIS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

T. Andy Harris
(SIGNATURE)

EXHIBIT F

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Ashlie Fox SBN: 294407 PETER M. HART 12121 Wilshire Blvd., Suite 525 Los Angeles, CA 90025 TELEPHONE NO.: (310) 207-2277 FAX NO.: (509) 561-0109 E-MAIL ADDRESS (Optional): pchoi.lope@gmail.com ATTORNEY FOR (Name): Plaintiff: Michele Obrien	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/10/2022 at 10:21:34 AM By: Anthony Zapotoczny, Deputy Clerk
ALAMEDA SUPERIOR COURT STREET ADDRESS: 1225 FALLON STREET MAILING ADDRESS: CITY AND ZIP CODE: OAKLAND, CA 94612 BRANCH NAME: NORTHERN DIVISION	
PLAINTIFF: Michele Obrien, as an individual and on behalf of others similarly situated DEFENDANT: Amazon.com Services LLC	CASE NUMBER: 21CV004153
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: Obrien

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ Summons
 - b. ☒ Complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ Cross-complaint
 - f. ☒ other (specify documents): **Civil Case Cover Sheet Addendum; Notice of Case Management Conference; Notice of Confirmation of Electronic Filing**
3. a. Party served (specify name of party as shown on documents served):
Amazon.com Services LLC a Delaware limited liability corporation;
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Corporation Service Company - Lai Saevang - Agent for Service of Process
4. Address where the party was served: **Coporation Service Company
 2710 Gateway Oaks Dr Ste 150N
 Sacramento, CA 95833-3502**
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/17/2021** (2) at (time): **3:10 PM**
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: Michele Cohen, as an individual and on behalf of others similarly situated

CASE NUMBER

RESPONDENT: Amazon.com Services LLC

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- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): **Amazon.com Services LLC a Delaware limited liability corporation;**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **T. ANDY HARRIS - PacTrack, Inc.**
- b. Address: **4373 Santa Anita Avenue El Monte, CA 91731**
- c. Telephone number: **(213) 201-5856**
- d. **The fee** for service was: **\$ 75.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **81-002**
- (iii) County: **Sacramento**

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: **12/18/2021**

PacTrack, Inc.
4373 Santa Anita Avenue
El Monte, CA 91731
(213) 201-5856
www.pactrack.com

T. ANDY HARRIS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

T. Andy Harris
 (SIGNATURE)

EXHIBIT G

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Ashlie Fox SBN: 294407 PETER M. HART 12121 Wilshire Blvd., Suite 525 Los Angeles, CA 90025 TELEPHONE NO.: (310) 207-2277 FAX NO.: (509) 561-0109 E-MAIL ADDRESS (Optional): pchoi.loph@gmail.com ATTORNEY FOR (Name): Plaintiff: Michele Obrien	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/10/2022 at 10:21:34 AM By: Anthony Zapotoczny, Deputy Clerk
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RESPONDENT: Amazon Web Services, Inc.

21CV004153

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Date: **12/18/2021**

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(213) 201-5856
www.pactrack.com

T. ANDY HARRIS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

T. Andy Harris
(SIGNATURE)